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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,396	07/01/2005	Helmut Macuser	273841US2PCT	6337
22850 7590 01/12/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BELL, BRUCE F	
			ART UNIT 1746	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/541,396

Applicant(s)

MAEUSER, HELMUT

Examiner

Bruce F. Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/1/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is vague and indefinite with respect to the phrase "relevant conductive material". It is unclear from the instant claim as set forth what a "relevant" conductive material is.

Claims 9-17 are dependent on instant claim 8 and therefore, have the same deficiencies.

Claims 16 and 17 are vague and indefinite with respect to what the "application of the method", would be from the instant claims as set forth. Applications are not considered to be a statutory class of invention and further there are not application steps provided. Therefore, it is unclear as to what applicants are instantly attempting to claims from the claims as set forth.

Claim 17 is vague and indefinite with respect to how applying the structures on glass or plastic panes affects or changes the method for protecting metal containing structures. It does not appear that the method as set forth would be any different or how it would narrow the steps of protecting metal containing structures, simply by affixing the structure to a glass or plastic pane.

Correction and/or clarification is requested.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8, 11, 16 rejected under 35 U.S.C. 102(b) as being anticipates by Fiorino et al (5750071).

Fiorino et al disclose a method of protecting metals from corrosion by applying an alternating voltage to them, thereby reversing the metal's polarity with respect to its surroundings. See abstract. Factors affecting corrosion rate are the corrosion properties of the metal or metals involved, which includes the quality of natural oxides or passivation layers which form naturally or by intent upon their surface. Corrosion inhibitors seek to re-establish protective oxide layers if they become penetrated by harmful ions, and biasing schemes protect some metals by making them the cathode, either by applying a voltage or by connecting them to a sacrificial anode which are oxidized more easily. See col. 1, lines 42-45 and 55-60. The invention is directed to the application of an alternating voltage to the metal to be protected from corrosion so that the polarity of the metal is continuously reversed with respect to its surroundings. See col. 2, lines 17-20. Corrosion is limited by the power that may be used such as that of an alternating voltage with a rectangular, sinusoidal or triangular waveform. See col. 2, lines 23-25. The patent further discloses that a passivating film which forms on metals,

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can be reduced at low frequencies , whereas the metal remains protected at high frequencies. As the frequency increases, the solution cannot become sufficiently basic for the oxide to dissolve and for corrosion to occur. See col. 4, lines 6-13. A metal subjected to an applied or induced voltage may be protected from or made less susceptible to corrosion by applying an alternating voltage to it with respect to its surrounding. The rate of corrosion is diminished as the frequency of the alternating voltage is increased. The waveform of the alternating voltage about zero volts may be sinusoidal, rectangular, or triangular. The waveform may be symmetric or it may be adjusted to be non-symmetric in time during either the positive or negative polarity. These waveforms are easily obtained from commercial power supplies. See col. 4, lines 44-54.

The prior art of Fiorino et al anticipates the applicants instant invention as set forth above with respect to the instant claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Slough (4409080).

Slough disclose a DC power supply electrically connected between an anode and the pipeline. The current densities which are required for protection of steel pipe will

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vary depending upon the protective coating in a range of several mA/Sq.ft., for bare steel, to a few mA/Sq.ft. or less for very well coated steel. If the current density is known, it gives an indication that may be used in determining whether the cathodic protection being supplied is adequate. In order to monitor the current flow, a coulometer that is connected between the pipeline and a target electrode is used. The coulometer provides current time integral measurement, and the scale reading after a known operating time may be converted to current density which may then be related to corrosion protection. See col. 3, lines 41-45.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BFB
January 3, 2007


Bruce F. Bell
Primary Examiner
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